



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CSC TKR, INC. d/b/a CABLEVISION OF)
MORRIS FOR RENEWAL OF A)
CERTIFICATE OF APPROVAL TO)
CONTINUE TO OPERATE AND MAINTAIN)
A CABLE TELEVISION SYSTEM IN THE)
BOROUGH OF FLORHAM PARK, COUNTY)
OF MORRIS, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE01010075

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq.,
for the Petitioner.

Borough Clerk, Borough of Florham Park, New Jersey, by Judith B. Beecher, for the Borough.

BY THE BOARD¹:

On December 26, 1974, the Board granted Morris Cablevision Corporation ("Morris") a Certificate of Approval for the construction, operation and maintenance of a cable television system in the Borough of Florham Park ("Borough"), in Docket No. 7412C-6060. On May 21, 1982, the Board approved the transfer of the Certificate of Approval from Morris Cablevision to Sammons Communications of New Jersey, Inc. ("Sammons"). On November 9, 1990, the Board granted Sammons a Renewal Certificate of Approval for the Borough in Docket No. CE89110880. On February 28, 1996, in Docket No. CM95080400, the Board approved the transfer of the Certificate of Approval from Sammons to TKR Cable Company d/b/a TKR of Morris ("TKR"). On December 17, 1997, in Docket No. CF97090674, the Board approved the transfer of certain capital stock, along with the applicable Certificate of Approval, from TKR to CSC TKR, Inc. d/b/a Cablevision of Morris ("Petitioner"). Although the Certificate for the Borough expired on November 9, 1999, the Petitioner is authorized to continue to provide cable television service to the Borough, pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on September 10, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after a public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on December 19, 2000. The Petitioner formally accepted the terms and conditions of the ordinance on December 22, 2000, in accordance with N.J.S.A. 48:5A-24.

On January 30, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable

¹ ¹ Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. According to the ordinance, the Petitioner shall be required to proffer service along any public right-of-way to any person's residence located in the franchise territory at tarified rates for standard and non-standard installation.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at The Wiz store in the Roxbury Mall at 275-110 Route 10 in Succasunna (Roxbury Borough), New Jersey.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall perform a rebuild of the system to provide over eighty programming services throughout the entire Borough's service area with state-of-the-art technology within two years of the Certificate of Approval. Within 30 days of issuance of this Certificate, the Petitioner shall provide the Office of Cable Television and the Borough with a schedule of construction.
11. The Petitioner has agreed to offer a senior citizens discount in the amount of 10% of the basic monthly service for persons meeting the eligibility requirements, pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20.

12. In accordance with the application for municipal consent and the ordinance, the Petitioner shall provide public, educational and governmental ("PEG") access facilities, equipment and training. Currently, the Petitioner provides one channel for governmental access and one channel for educational access. The Petitioner shall retain the right to use the access channels, or portion thereof, during times when the Borough is not using the channel(s). The Petitioner's use of the channel shall remain subordinate to the Borough's provision of PEG access programming on such channel.
13. Notwithstanding the above, the Borough shall maintain exclusive access to the PEG channel on Wednesday from 7:00 p.m. to 8:00 p.m. The Borough shall be exempt from the requirement to file quarterly reapplication to protect this time slot.
14. The Petitioner shall provide the Borough use of a character generator, a fully equipped studio, technical assistance and instructional workshops in the production of programming and the use of the studio, pursuant to the application and the ordinance.
15. Upon completion of the upgrade, the Petitioner shall provide a full-time PEG access channel for use by the residents and institutions of the Borough. The Petitioner shall be responsible for developing, implementing, interpreting and enforcing reasonable rules for access channel use, in accordance with applicable law. The Petitioner shall retain the right to use the PEG channel, or portion thereof, during times when the Borough is not using the channel. The Petitioner's use of the channel shall remain subordinate to the Borough's provision of PEG access programming on such channel.
16. The Petitioner shall provide the Borough with a grant of \$10,000.00 for the purchase of PEG access equipment such as a character generator and modulator.
17. The Petitioner shall provide, upon request of the Borough, at no charge, the standard installation and basic monthly service to one outlet to the following: a) municipal building; b) Community Center; c) Public Works Garage; d) Fire Department Company #1; e) Fire Department Company #2; f) each public and private school building; and g) each public library; within the Borough, as required by the ordinance.
18. The Petitioner shall provide Internet access to the Free Public Library, free of charge.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the

provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire December 26, 2009.

DATED: February 20, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN
ACTING BOARD SECRETARY